REMARKS

Claims 1-17 are pending in this application.

I. CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1-3, 5, 8-10, 13, and 14 are rejected under 35 U.S.C. §102(b). The Applicant respectfully traverses.

No claim is anticipated under 35 U.S.C. §102 (b) unless all of the elements are found in exactly the same situation and united in the same way in a single prior art reference. As mentioned in the **MPEP §2131**, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Every element must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 9 USPQ2d 1913, 1920 (CAFC 1989). The identical invention must be shown in as complete detail as is contained in the patent claim. *Id.*, "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson,* 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970), and MPEP 2143.03.

A . Claims 1-3, 5, 8-10, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kujirai et al U.S. Patent No. 6,278,524 (hereinafter Kujirai).

With respect to claim 1, the Examiner stated that the Kujirai reference teaches a method of controlling transmission of fax data according to a data output order of a receiving part, the method comprising the steps of:

scanning and storing a document into data to be transmitted from a facsimile of a transmitting part to a facsimile of said receiving part;

dialing a predetermined telephone number of said receiving part when said document is completely scanned.

However Kujirai fails to disclose a method of controlling fax data according to a data output order of a receiving part . Kujirai is clearly dealing with a printer connected directly to a computer with a parallel port as mentioned in col. 8, lines 1-10.

The Examiner agrees that the Kujirai reference describes and explains its invention based on a communication system between a host computer and a printer. However, the Examiner goes on to argue that the Office interpreted that the invention not only applies between the PC and the printer but also can be applied between two facsimile machines since the inventors teach that their invention can be applied to facsimile machines (col. 15, lines 64-67).

However, looking closely at col. 15, lines 64-67 and the Kujirai patent as a whole, in col. 15, Kujirai specifically states that "The present invention can be applied to a system constituted by a plurality of devices (e.g., a host computer interface, reader, printer, etc.) or to an apparatus comprising **a single device** (e.g., a copier or facsimile, etc.) The Kujirai specifically and quite clearly states that the facsimile would be a single device. Quite clearly Kujirai is not dealing with

a receiving facsimile and transmitting facsimile. As mentioned above, Every element must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (CAFC 1989). Clearly here this is not the case.

The Examiner further notes that having taught of the communication method by the Kujirai reference, the methods of scanning, storing, and dialing a predetermined telephone number of a receiving part are inherently performed in the facsimile communication system.

However, scanning and storing is seen in the claim cannot be rejected by noting that it is inherent. The Examiner has failed in his burden requirements under the requirements of inherency under MPEP §2112. According to MPEP§2112, "A rejection under 35 u.s.c. 102/103 can be made when the prior art product seems to be identical except that the prior art is silent as to an inherent characteristic." Here, the prior art is clearly not identical as shown above.

Furthermore, according to MPEP §2112, "examiner must provide rationale or evidence tending to show inherency" such that "The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities

or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted).

The PTO has the **burden of proof, by a preponderance of the evidence**, to show that an applicant is not entitled to a patent because the claimed subject matter is anticipated by, or is obvious from, the art of record. A patent applicant is entitled to a patent "unless" the PTO establishes otherwise. See, e.g., *In re Dembiczak*, 175 F.3d 994, 1001, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999); *In re Epstein*, 32 F.3d 1559, 1564 (Fed. Cir. 1994); *In re Rijckeart*, 9 F.3d 1551, 1552, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Here, the Examiner provided col. 15, lines 64-67, but as mentioned above, this refers to a single device facsimile OR plurality devices when it is involves a host computer, printer, interface, printer. However, there is no clear disclosure that when a facsimile is involved, that it involves method involving a transmitting facsimile and a receiving facsimile.

The Examiner goes on to state that Kujiriai discloses of requiring and receiving said data output order by said transmitting part from said receiving part after the telephone number of said receiving part is dialed (col. 7, lines 61-62 & col. 8, lines 6-10).

However, col. 7, lines 60-62 concerns a spool file manager which is on the host computer for a printing operation on the printer. Col. 8, lines 6-10 concerns a printer having a face-up paper feed and a switchable face-up, face-down paper discharge where the printer informs the discharge

setting of the printer to the host computer.

Therefore, there is no disclosure of a transmitting facsimile requiring and receiving data output order by the transmitting facsimile since the disclosure concerns a host computer connected with a printer. Furthermore, col. 15, lines 64-67 makes no such disclosure of a transmitting facsimile and a receiving facsimile, since explicitly Kujirai states that if there is not a plurality of devices where the plurality of devices are disclosed as host computer, interface, reader, and printer, then alternatively (OR), the Kujirai invention can be applied to a single device, disclosing only examples of a copier or facsimile machine. Therefore, Kujirai, if a facsimile is disclosed, the method of Kujirai applies only as to a single device of a facsimile machine that would include the host portion and the printing portion in a single device facsimile machine.

As mentioned above in MPEP §2131, the identical invention must be shown in as complete detail as is contained in the patent claim. Therefore, there is no disclosure of requiring said data output order by said transmitting part from said receiving part after the telephone number of said receiving part is dialed.

The Examiner goes on to state, Kujirai discloses transmitting said stored document data according to said received data output order (col. 8, lines 61-64).

However, looking at col. 8, lines 61-64 does not state that the stored document data is transmitted according to the received data output order but that the "printing sequence is decided based on the type of paper feed and paper discharge of the printer. Only the printing sequence itself is disclosed and not the method of transmission of the stored data.

The Examiner stated a note that after the transmitting part (host computer) acquires the currently set state of the receiving part (printer), the spool file manager 304 reads out the print data from storage 303 in the order of the logical pages. Referring to the figs. 5 & 11, the Examiner further stated that when the type of paper discharge of the receiving part is face up, the spool file manager of the transmitting part computes and reads out the last page first thus inherently transmits the last page first.

However, nowhere is it properly disclosed that the host computer is disclosed as a transmitting facsimile and the printer is a receiving facsimile as the Kujirai is only applicable to a single facsimile device.

Again, the Examiner is resorting to an inherent disclosure of the method of transmission. Such an order of the print spool transmission may or may not happen in such a manner and therefore, as shown above, then it is improper use of inherency.

Furthermore, the Examiner states that since the reference teaches the method of notifying the transmitting part (host computer) of the currently set state of the receiving part (printer) prior to the print data transmission, dialing the receiving part by the transmitting part must be done before requiring and receiving the currently set state information.

No such disclosure of actual "dialing" is ever made and a host computer definitely does not "dial" a printer. Even if applied to a single facsimile, everything disclosed in Kujirai would happen internally to the single facsimile as the host and printer part would be contained in the single facsimile as expressly stated in col. 15, lines 64-67.

Additionally, the Examiner submits a copy of an Ogura invention (U.S. Patent No. 4,876,609) as an example of a facsimile communication system. The reference discloses a facsimile system for scanning, storing documents to be transmitted (fig. 3), and dialing a predetermined telephone number of a receiving facsimile to set up a line (col. 9, lines 22-24). Furthermore, the reference discloses a method of acquiring a receiving capability (DIS) of receiving part prior to the data transmission (col. 9, lines 25-30).

Respectfully, it is highly improper to even submit an additional reference in a 35USC§102 rejection. As mentioned in MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in **a single prior art reference**." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). When using Kujirai a reference in a 35USC§102, it is highly improper to submit Ogura as an example of a facsimile communication system. The fact that Kujirai fails to disclose the features of the presently claimed invention cannot be supplemented by a submission of an additional reference of Ogura. Kujirai alone or Ogura alone must disclose all of the claimed limitations, but as seen above, neither references alone disclose all of the limitations as arranged in the claims.

With respect to claim 2, the Examiner stated that Kujirai reference teaches the method of claim 1, further comprising the step of displaying said data output order received from said receiving part (col. 4, lines 51-54 and figs. 11 &12).

Looking very closely at the disclosure of Kujirai reveals all that is mentioned in col. 4, lines 51-54 is that the CPU of the host computer implements a WYSIWYG function using the CRT, which only means for instance when typing a document, what is seen on the monitor is what you get. For example, if the font layout is seen on the monitor, it is the font that will be outputted. However, this by no means of having a WYSIWYG function means to disclose that the data output order received from said receiving part is displayed. WYSIWYG does not necessarily entail that the data output order received by the receiving part is displayed. The document is still displayed in the same manner on a WYSIWYG, there would be no change in the actual display of the document as the manner in which a one picks up a transmitted facsimile is not taken into account in WYSIWYG. If the Examiner is using his own knowledge here then, the Examiner must provide an affidavit that WYSIWIG necessarily discloses such or provide a reference that proves such is necessarily provided by WYSIWIG, but not probability or possibilities that such could happen.

Furthermore, claim 2 claims of the displaying said data output order *received from said receiving part.* A WYSIWIG display does not anticipate the displaying of the data output order as received from a receiving part. No such disclosure is made. The WYSIWIG display will not necessarily change the display order or notify of the output order when the receiving part notifies the transmitting part. The order will always be from a first page to a last page on the display screen in Kujirai. Furthermore, the fact that it is WYSIWIG does not entail such a disclosure.

With respect to claim 3 and 10, the Examiner stated that Kujirai reference teaches said data output order being either a face down way or a face up way, said face down way being said stored

document data outputted in order from a first page to a last page of said stored document data, said face up way being said stored document data outputted in reversed order from a last page to a first page of said stored document data (col. 8, lines 6-17 & lines 61-66). Note that after the transmitting part acquires the currently set state of the receiving part, the spool file manager 304 reads out the print data from storage 303 in the order of the logical pages. Referring to the figs. 5 & 11, when the type of paper discharge of the receiving part is face up, the spool file manager of the transmitting part computes and reads out the last page first thus inherently transmits the last page first.

However, again, as mentioned above, the data output order does not involve a facsimile of a transmitting part and a facsimile of a receiving part, but only a host computer with its printer or a facsimile by itself with the host and printing section included.

With respect to claim 8, the Examiner stated that the arguments analogous to those presented for claims 1 and 2, are applicable. Furthermore, the Examiner states that it is inherent, in facsimile communication, to check whether said call between said transmitting part and said receiving part is connected. Again, the Examiner provides a copy of the Ogura invention that uses a method of checking the connection (fig. 6).

Respectfully, by having to provide the additional reference of Ogura in a 35USC§102, the Examiner has failed in providing a *prima facie* case of anticipation.

Furthermore, the Examiner fails to discuss the feature of "making a call by dialing a predetermined telephone number of said receiving part when said document is completely scanned

and stored in said memory" of claim 8. Nowhere is it discussed in Kujirai that when the document is completely scanned, then a call is dialed. The Applicant asks the Examiner, respectfully, where in Kujirai patent alone, is there a disclosure of such a feature. A simple mention that a single device such as a facsimile machine being applicable does not disclose all these features. An anticipation rejection is clearly improper here.

Furthermore, displaying said data output order received from said receiving part on a display on an operational panel is not disclosed. An actual operational panel is not disclosed that has the output order. There is only a mention of a WYSIWYG display is mentioned, but this display by itself is not the operational panel and it is not necessarily displaying the order on the receiving part. Why would WYSIWYG display the reverse order when in fact the person picking up the output would see it in the forward order. WYSIWYG in either circumstance would still display the same order as such is still the order in which the user picks up the output.

With respect to claim 9, the Examiner states that the arguments are analogous to those presented for claim 7, are applicable.

First of all, claim 7 is not rejected under 35USC§102, but under 35USC§103, so the arguments of a 35USC§103 would be highly inappropriate as the criteria is different. Moreover, not withstanding the improper rejection, automatic dialing when there is complete scanning is never disclosed by Kujirai as there is not even a disclosure of a scanning process, let alone the disclosure of the condition of automatic dialing when the document is completely scanned. Disclosure of there

being a single facsimile is not enough to disclose all these features.

If this logic were true then for example an Examiner could anticipate an application having a plurality of features of printer by a simple mention of a printer in a reference. The Examiner would then assume that all of the possible features known to the Examiner personally could be used in providing a 102 anticipation rejection even though the reference fails to disclose those actual features of the printer. However, the United States Patent Office clearly does not allow for such a procedure as it emphatically in MPEP 2131 that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Inherency cannot be stretched to points where no disclosure is necessary. There are clear limits to the use of inherency, and those limits must be obeyed.

Furthmore, concerning claim 9, the Examiner admits in the rejection of claim 7 that Kujirai reference does not disclose expressly state that said dialing a predetermined telephone number of said receiving part being automatic. Therefore, Kujirai does not anticipate claim 9.

With respect to claim 13, the Examiner stated that the arguments analogous to those presented for claims 1 and 2, are applicable.

However, again as mentioned above for claim 1, a "transmitting part facsimile" and a "receiving part facsimile" are not disclosed as claimed in the present application. Kujiera discloses only a host computer portion connected to a printer that can also be embodied as a "single" facsimile machine.

Furthermore, Kujiera fails to disclose an operation panel that has a plurality of keys

generating key data of the transmitting part facsimile to the control unit. The Examiner only mentioned a display with WYSIWYG, but this display by itself is not an operational panel. The keyboard of the computer must also be added. Furthermore, as shown above, the display does not disclose the output order of the receiving part. No such clear disclosure is made by Kujiera.

Furthermore, the Examiner is stating that it is inherent, in facsimile communication, to have a modem connection for the data transmission, and a communication loop of the public telephone network having a ring and a tip and interface signals of said modem is commonly used in the facsimile communication system. Additionally, the Examiner submits a copy of a Manning invention (U.S. Patent No. 5,528,385) as an example of the described facsimile communication system; refer to figs. 2A-C.

Again, the Examiner is improperly using a second reference to provide a rejection under 35USC§102 which is clearly improper. If a second reference is used, then the Examiner must look to criteria of 35USC§103 instead, but the Examiner has clearly failed to do that.

II. REJECTION OF CLAIMS (35 U.S.C. § 103)

Claims 4, 6, 7, 11, 12, and 15 through 17 were rejected under 35 U.S.C. §103(a) as being unpatentable. The Applicant respectfully traverses.

According to MPEP 706.02(j), the following establishes a *prima facie* case of obviousness under 35 U.S.C. §103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

A. Claims 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kujirai as applied to claim 1 above, and further in view of Ogura U.S. Patent No. 4,876,609.

With respect to claims 4 and 15, the Examiner stated that Kujirai reference discloses all limitations of claim 1 including the method of sending a predetermined bit of data to report said data output order (col. 8, lines 6-17 & 61-67). However, the Examiner admits that it does not disclose expressly if both transmitting and receiving parts supports a non-standard mode. The Examiner continues by stating that the Ogura reference, on the other hand, discloses a facsimile system for

scanning, storing documents to be transmitted (fig. 3), and dialing a predetermined telephone number of a receiving facsimile to set up a line (col. 9, lines 22-24); furthermore, the Examiner states that the reference discloses a method of acquiring a receiving capability (DIS) of the receiving part prior to the data transmission (col. 9, lines 25-30) wherein both transmitting and receiving parts supports a non-standard mode (col. 11, lines 55-58).

First of all, the Examiner provided his reasoning for rejection under 35USC§102 for claim 1 and it is improper to use such when trying to provide a *prima facie* case of obviousness under 35USC§103.

Furthermore, looking at col. 11, lines 55-58 only states that the own functions will of course be reported to the other party in a pretransmission procedure by a non-standard terminal signal or the like, thereby informing the other party of all the papers usable Therefore, Ogura is not teaching or suggesting both of the transmitting and receiving part necessarily supporting a non-standard mode.

The Examiner goes on to state that Kujirai and Ogura are analogous art because they are from the same field of endeavor, which is facsimile art; at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the method of acquiring output order based on the current state of the receiving part taught by Kujirai with the non-standard mode in a facsimile system taught by Ogura; the suggestion/motivation for doing so would have been to execute the sending of current state of the receiver supported by non-standard mode thus informing the transmitting part of the current state of the receiving part before the facsimile data transmission takes place (col. 11, lines 55-58 of Ogura); therefore, the Examiner states that it would have been obvious

to combine Kujirai and Ogura to obtain the invention as specified in claim 4.

However, col. 11, lines 55-58 does not provide a motivation to combine, nor is there any clear motivation described by the Examiner. "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability. *In re Dembiczak*, 175 F.3d 994, 50 USPQ.2d 1614 (Fed. Cir. 1999). The showing must be "clear and particular" without broad generalized conclusory statements. *Id.* There must be specific statements showing the scope of the suggestion, teaching, or motivation to combine the prior art references. *Id.* at 1000. There must be an explanation to what specific understanding or technical principle would have suggested the combination of references. *Id.* Respectfully, a proper motivation to combine or modify is not given the Examiner.

With respect to claims 6 and 17, the Examiner stated that the Kujirai reference discloses all limitation of claim 1; however, it does not disclose expressly that said requiring of said document order is made during Phase B of a facsimile transmission wherein Phase B is a sequence of checking states of said transmitting part and a transmission line and controlling said transmitting part among a plurality of predetermined protocols used in transmission and reception of facsimile data; but that Ogura, in the same field of endeavor of facsimile transmission, teaches that requiring the status is made during Phase B of a facsimile transmission wherein Phase B is a sequence of checking states of said transmitting part (DIS) and a transmission line and controlling said transmitting part among a plurality of predetermined protocols used in transmission (CFR) and reception of facsimile data (col. 9, lines 22-40 & fig. 6).

However, merely teaching a phase B is not teaching or suggesting *said requiring of said document order being made during Phase B of a facsimile transmission.*

The Federal Circuit has mentioned that "[t]he test for obviousness is not whether the features of one reference may be bodily incorporated into another reference...Rather, we look to see whether combined teachings render the claimed subject matter obvious." *In re Wood*, 599 F.2d 1032, 202 USPQ 171, 174 (CCPA 1979) (citing *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549-50 (CCPA 1969); *In re Mapelsden*, 329 F.2d 321, 322, 141 USPQ 30, 32 (CCPA 1964).

Here, it is clear that there is no actual teaching or suggestion of the requiring being the phase B since Ogura is merely mentioning DIS, DCS, CFR, etc without there being any teaching from Ogura or Kujirai that the requiring is in phase B.

Therefore, the Examiner states that it would have been obvious to one skilled in the art at the time the invention was made to apply the Ogura transmission method in the Kujirai invention to check and create proper communications between two facsimile machines. However, as shown above, the showing of motivation must be "clear and particular" without broad generalized conclusory statements. Here, having proper communications is clearly very broad and generalized.

With respect to claim 7, the Examiner stated that Kujirai reference discloses all limitation of claim 1. However, it does not disclose expressly that said dialing a predetermined telephone number of said receiving part being automatic; but that Ogura, in the same field of endeavor of facsimile transmission, teaches the method of automatic dialing of predetermined telephone number

of said receiving part (col. 12, lines 45-59).

However, claim 7 with claim 1 is stating that there is an automatic dialing of a predetermined telephone number of said receiving part when the document is completely scanned. According to MPEP §2141, the claim as a whole must be looked at. Ogura is however teaching of automatic dialing when an appointed time is reached and when image is fully stored and in no way when the scanning is complete. Kujirai makes no further teaching as the only teaching even relating to scanning is the mere mention that a single device facsimile can also be applied but no specifics is ever taught or suggested.

Furthermore, the combination cannot automatically dial when the document is fully stored because Ogura introduces the limitation that a set time must also be reached. Therefore, the combination will not automatically dial when the scanning is complete. Therefore all the claimed limitations are not taught or suggested.

Furtheremore, according to MPEP §2145, "It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). This portion of Ogura teaching of dialing when the image data is fully stored AND when an appointed time is reached cannot be just ignored because according to MPEP §2141.02, "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)." Ogura cannot just automatically dial when the document is fully scanned but needs the additional measure

of the timer. Therefore, Ogura is also teaching away from their combination.

The Examiner goes on to state that it would have been obvious to one skilled in the art at the time the invention was made to save the facsimile data in the memory of the transmitting part first and dial the telephone number of the receiving part to get the receiving functions of the receiving part before the facsimile data transmission, but this is not a motivation to combine but a mere recitation of the limitations of the claims of the present invention.

B. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kujirai as applied to claim 10 above, and further in view of Ogura U.S. Patent No. 4,876,609.

Concerning claims 11 and 12, again the arguments for claim 10 are made under the criteria of 35USC§102 and therefore, this is an improperly supported rejection. A *prima facie* case has not been properly made by the Examiner for claims 11 and 12.

With respect to claim 11, the Examiner states that arguments analogous to those presented for claim 4, are applicable.

First of all, claim 4 is not completely analogous to claim 11. For example, claim 11, unlike claim 4, mentions the sending of an output order mode bit, which the combination fails to disclose.

Looking at col. 11, lines 55-58 only states that the own functions will of course be reported to the other party in a pretransmission procedure by a non-standard terminal signal or the like, thereby informing the other party of all the papers usable Therefore, Ogura is not teaching or

suggesting both of the transmitting and receiving part necessarily supporting a non-standard mode and the receiving part reporting the data output order to said transmitting part by sending an output order mode bit. Therefore, it is clear that the rejection of the Examiner is improper.

With respect to claim 12, the Examiner stated that the arguments analogous to those presented for claim 5, are applicable. However, the arguments for claim 5 are made under the criteria of 35USC§102 and therefore, this is an improperly supported rejection. A *prima facie* case has not been properly made by the Examiner.

C. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kujirai as applied to claim 10 above, and further in view of Ogura U.S. Patent No. 4,876,609.

Concerning claims 15-17, again the arguments for claim 10 are made under the criteria of 35USC§102 and therefore, this is an improperly supported rejection. A *prima facie* case has not been properly made by the Examiner for claims 15-17.

With respect to claim 16, the Examiner stated that the arguments are analogous to those presented for claim 5, are applicable. However, again the arguments for claim 5 are made under the criteria of 35USC§102 and therefore, this is an improperly supported rejection. A *prima facie* case has not been properly made by the Examiner.

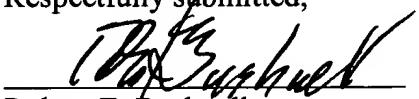
With respect to claim 15, the Examiner stated that the arguments are analogous to those presented for claim 4, are applicable. Therefore, please see the remarks concerning claim 4.

With respect to claim 17, the Examiner stated that arguments analogous to those presented for claim 6, are applicable. Therefore, please see the remarks concerning claim 6.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

No fee is incurred by this Response. Should there be a deficiency in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



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